

Notice of Allowability

Application No.

10/650,491

Examiner

Tony G. Soohoo

Applicant(s)

KREUTZER, CHARLES

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/13/2007 and interview of 5/21/2007.
2. ☒ The allowed claim(s) is/are 12,14,16-22 and 24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date attached.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian Diekhoff on 21 May 2007.

The application has been amended as follows:

IN THE CLAIMS

Please amend the claims filed 03/13/2007, in an examiner's amendment:

Please cancel claim 23.

Please rewrite claim 12 as follows:

12. An apparatus for transferring fluidic compositions for coloring concrete comprising:

a tank including an interior defined by walls;

a fluid transferring apparatus in communication with the tank for withdrawing a concrete coloring fluid from the interior of the tank;

the fluid transferring apparatus comprising a pump and a discharge line extending from the pump for transferring the concrete coloring fluid from the tank to a supply of concrete;

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a cover, removably attachable with respect to the tank, the cover moveable between a first position, where the interior of the tank is closed to the ambient environment and a second position, where the interior of the tank is open to the ambient environment to receive the concrete coloring fluid;

a system for rinsing the tank with an aqueous fluid, including, an aqueous fluid intake port connected to a source of the aqueous fluid; and, a dispenser in communication with the aqueous fluid intake port and configured for providing the aqueous fluid to the interior of the tank for contacting the walls of the interior of the tank, the dispenser coupled to the cover; and,

a controller for operating the fluid transferring apparatus and the system for rinsing the tank, the controller in electrical communication with the aqueous fluid intake port and the pump, and the controller comprising a preload mode for directing the aqueous fluid intake port to direct the aqueous fluid to enter the interior of the tank, a pump mode for directing the pump to transfer the concrete coloring fluid from the tank through the discharge line, and a rinse mode for directing the aqueous fluid intake port to direct the aqueous fluid to enter the interior of the tank.

2. The following is an examiner's statement of reasons for allowance:

The claims distinguish over the prior art of record whereby in the environment of an apparatus for transferring fluid concrete coloring compositions having a tank, a fluid

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transfer pump with discharge line, and a removable cover, the prior art fails to show or render obvious the additional feature of a system for rinsing with a fluid source connected to a cover mounted fluid intake port along with the intake port being configured to provide fluid contact to the interior walls of the tank, and furthermore providing a controller in electrical communication with the intake port and pump which the controller operates in three separate and distinct controller modes of a preload mode, pump mode and a rinse mode.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

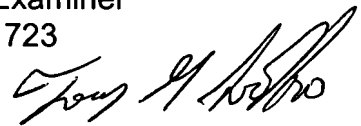
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony G. Soohoo whose telephone number is (571) 272 1147. The examiner can normally be reached on 8AM-5PM, Tue-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on Acting SPE. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tony G Soohoo
Primary Examiner
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TONY G. SOOHOO
PRIMARY EXAMINER
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